



SF 2226 – Sex Abuse and Obscenity Statute of Limitations (LSB5241SV)
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Fiscal Note Version – New

Description

Senate File 2226 extends the statute of limitations in crimes involving sexually motivated or exploitation offenses involving a minor, and modifies the criminal offense for disseminating obscene materials to minors.

Background

This bill extends the current statute of limitations from 10 years to 25 years for sex abuse in the first, second, or third degree committed against a person under 18 years of age. In FY 2015, there were three dismissed or acquitted Class C felony sex abuse charges where the victim was under the age of 18 and the time between the offense and the case disposition exceeded 10 years.

The average person convicted of a Class C felony sex offense serves 63.4 months (5.3 years) in prison. Additionally, persons convicted of sex abuse in the first, second, or third degree are subject to special sentences when released. Iowa Code **section 903B** defines special sentences that place sex offenders on community supervision after completing their original sentences for committing sexual abuse, incest, or sexual exploitation. There are additional costs related to special sentences.

Any person that commits a sexual abuse offense must also register as a sex offender upon release from prison. Additionally, if the offender is serving a special supervision sentence, the length of time to register as a sex offender is increased to match the special sentence length.

The bill also substitutes the term electronic communication device for the term telephone. An electronic communication device is then defined as a telephone, mobile telephone, or other electronic device used to move information from one place to another.

Assumptions

- The law will become effective July 1, 2016. There is a six-month lag between enactment of the bill and when the first case will occur.
- Prisoner length of stay, revocation rates, and other corrections policies and practices will not change over the projected time.
- Additional convictions under this increased statute of limitations will be Class C felonies.
- The DOC estimates that the average daily marginal cost of sex offender supervision under a special sentence is \$21.00/day per offender. This includes the cost of the GPS bracelet. This equates to \$7,700 a year.
- After year six, there will be an increase of one registrant on the sex offender registry, and then three per year thereafter. This will create a minimal cost impact to the Department of Public Safety, the agency that monitors and maintains the sex offender registry for the state of Iowa.
- Costs for offenders convicted under this bill that enter special sentence supervision will not be incurred until FY 2021 when the first convicted offender is released from prison.

Correctional Impact

There will be one additional conviction with a prison admission in FY 2017, then three additional admissions each year thereafter, until year six when the increased corrections system population will stabilize at 16 inmates. The average state cost for one Class C felony conviction ranges from \$7,800 to \$18,400. The minimum cost includes court time of a District Court Judge, court reporter, court attendant, and Clerk of Court staff plus the costs of indigent defense and probation supervision. The maximum cost includes court time and the costs of a jury trial, indigent defense, state prison, and parole supervision. For additional information, refer to the Legislative Services Agency (LSA) [Correctional Impact Statements Memo](#) dated February 18, 2016.

Minority Impact

It is not possible to estimate a minority impact at this time. Generally, minorities make up a small proportion of those convicted of sex crimes, so an adverse minority impact is not anticipated. Refer to the LSA [Minority Impact Statements Memo](#) dated January 26, 2016, for information related to minorities in the criminal justice system.

Fiscal Impact

Additional costs to the state will include the correctional impact of additional inmates beginning in FY 2017, and the special sentence costs beginning in FY 2022. See the following table for details.

	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Prison Population Increase	1	3	3	3	3	3	3
Additional Maximum Correctional Impact	\$18,400	\$55,200	\$55,200	\$55,200	\$55,200	\$55,200	\$55,200
Special Sentence Costs	\$0	\$0	\$0	\$0	\$0	\$7,700	\$30,800
Total	\$18,400	\$55,200	\$55,200	\$55,200	\$55,200	\$62,900	\$86,000

Sources

Department of Corrections
Department of Human Rights, Criminal and Juvenile Justice Planning Division
Office of the State Court Administrator
Office of the State Public Defender
Department of Public Safety

/s/ Holly M. Lyons

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The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
